



PRESS RELEASE

Attorney General Frosh Leads Coalition Suing to Block Seismic Testing in the Atlantic Ocean

Federal Authorization of Seismic Testing Violates Environmental Laws; Will Harm Marine Mammals and Other Wildlife

BALTIMORE, MD (December 20, 2018) – Maryland Attorney General Brian E. Frosh is leading a coalition of 9 attorneys general in moving to intervene in a lawsuit to stop the proposed use of air guns to survey the Atlantic Ocean floor for oil and gas. These “seismic testing” surveys will expose whales, dolphins, and porpoises to repeated sound blasts louder than 160 decibels. The surveys will threaten the health and life of hundreds of thousands of highly sensitive marine mammals, including multiple endangered or threatened species. In addition, these tests are another step toward allowing offshore drilling - an action that could result in severe and irreparable harm to coastal and marine resources, including our vibrant coastal economy.

The pending lawsuit against the National Marine Fisheries Service (NMFS) and federal officials was filed last Tuesday in South Carolina by a coalition of local and national non-governmental organizations. In moving to intervene on the side of the organizations, the attorneys general are seeking to file their own complaint on behalf of their respective states.

“Seismic testing will have dangerous consequences for hundreds of thousands of marine mammals, including endangered species,” said Attorney General Frosh. “While the administration continues to place the interests of the fossil fuel industry ahead of our precious natural resources, attorneys general up and down the Atlantic coast will continue to fight these and other efforts to open the waters off our shores to drilling for oil and gas.”

In 2014 and 2015, five private companies applied to the U.S. Interior Department’s Bureau of Ocean Energy Management (BOEM) for permits to use air guns for seismic testing, in search of oil and gas, across the floor of the Atlantic Ocean. These companies also applied to NMFS for “incidental harassment authorizations” (IHAs) because their activities were expected to harass members of numerous marine mammal species. NMFS now expects that they will result in more than 373,000 instances of harm to marine mammals. The proposed testing will cause harm and death to endangered and threatened species (such as the endangered North Atlantic right whale) as well as other mammals designated as depleted, such as the blue whale and sperm whale.

In [July 2017](#), Maryland Attorney General Brian E. Frosh led a coalition of attorneys general in urging the NMFS to deny the IHA applications. Granting these IHAs, argued the attorneys

general, would be contrary to numerous scientific studies documenting the dangers acoustic devices pose to marine wildlife. In addition, the attorneys general argued, the IHAs would hinder recovery of threatened or endangered marine mammal species along the Atlantic Coast.

Despite widespread criticism of the proposed testing from the scientific community and the public, NMFS granted the companies' applications for IHAs in [November 2018](#). In challenging the grant of the IHAs, the coalition of attorneys general charges that NMFS's approval violated the Marine Mammal Protection Act, Endangered Species Act, National Environmental Policy Act, and Administrative Procedure Act.

Today's filing is being led by Attorney General Frosh and joined by Connecticut Attorney General George Jepson, Delaware Attorney General Matthew Denn, Maine Attorney General Janet T. Mills, Massachusetts Attorney General Maura Healey, New Jersey Attorney General Gurbir S. Grewal, New York Attorney General Barbara D. Underwood, North Carolina Attorney General Joshua Stein, and Virginia Attorney General Mark R. Herring.

In making today's announcement, Attorney General Frosh thanked Special Assistant Attorney General Joshua Segal for his work on the case.